

# EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

CYNTHIA WETZEL, on behalf of  
herself and all other New Mexico  
consumers similarly situated,

Plaintiff,

vs. NO: 20-CV-01213-JB-KRS

DIESTEL TURKEY RANCH,

Defendant.

DEPOSITION OF CYNTHIA BOYES WETZEL

September 13, 2022

9:00 a.m.

1660A Old Pecos Trail

Santa Fe, New Mexico

PURSUANT TO THE FEDERAL RULES OF CIVIL  
PROCEDURE, this deposition was:

TAKEN BY: BRIAN R. BLACKMAN, ESQ.

Attorney for the Defendant

REPORTED BY: Cynthia C. Chapman, RMR-CRR, CCR #219

Bean & Associates, Inc.

Professional Court Reporting Service

201 Third Street, NW, Suite 1630

Albuquerque, New Mexico 87102

Job No.: 7131N (CC)

<p style="text-align: right;">2</p> <p>1                   A P P E A R A N C E S</p> <p>2     For the Plaintiff:</p> <p>3         GRETCHEN ELSNER, ESQ.</p> <p>4         ELSNER LAW &amp; POLICY, LLC</p> <p>5         314 South Guadalupe Street</p> <p>6         Santa Fe, New Mexico 87501</p> <p>7         gretchen@elsnerlaw.org</p> <p>8     For the Defendant:</p> <p>9         BRIAN R. BLACKMAN, ESQ.</p> <p>10        BLAXTER BLACKMAN LLP</p> <p>11        601 Montgomery Street, Suite 1110</p> <p>12        San Francisco, California 94111</p> <p>13        bblackman@blaxterlaw.com</p> <p>14        QUINN S. SIMONS, ESQ.</p> <p>15        THE SIMONS FIRM, LLP</p> <p>16        1660A Old Pecos Trail</p> <p>17        Santa Fe, New Mexico 87505</p> <p>18        qsimons@simonsfirm.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1     INDEX TO EXHIBITS MARKED OR IDENTIFIED, Continued</p> <p>2                                   PAGE</p> <p>3     15   Brochure, Satisfaction By The Slice -     170</p> <p>4                                   Copy</p> <p>5     16   Channel 13 Webpage re Lawsuit           171</p> <p>6     17   E-Mails between Ms. Wetzel and her Family   172</p> <p>7                                   Members</p> <p>8     18   Excerpt re Lawsuit from                 174</p> <p>9                                   Santa Fe New Mexican</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">3</p> <p>1                   I N D E X</p> <p>2                                   PAGE</p> <p>3     EXAMINATION OF CYNTHIA BOYES WETZEL</p> <p>4     By Mr. Blackman                             5</p> <p>5     CERTIFICATE OF COMPLETION OF DEPOSITION     182</p> <p>6     WITNESS SIGNATURE/CORRECTION PAGE         184</p> <p>7     EXHIBITS MARKED OR FORMALLY IDENTIFIED</p> <p>8     1   DxE Report re Diestel Turkey Ranch     81</p> <p>9                                   Conditions</p> <p>10    2   DxE Press Release re "Residue of         85</p> <p>11                                   Prohibited Antibiotic Reported in</p> <p>12                                   Diestel Turkey - USDA"</p> <p>13    3   Diestel Turkey Ranch Poster             115</p> <p>14                                   Representation</p> <p>15    4   Diestel Turkey Ranch Flier               116</p> <p>16    5   Diestel Turkey Ranch Brochure Pages     117</p> <p>17    6   Meet Our Birds Flier                    123</p> <p>18    7   Photo of Diestel Turkey Ranch Young Turkey   126</p> <p>19                                   with Giblets</p> <p>20    8   Diestel Turkey Documentation and Images   138</p> <p>21    9   Diestel Documentation and Images        140</p> <p>22    10   Amazon Order Detail Page               143</p> <p>23    11   Class Action Complaint                 144</p> <p>24    12   Heidi's Hens Brochure - Copy           169</p> <p>25    13   Brochure, American Heirloom Collection   169</p> <p>                                  Young Turkey, Copy</p> <p>                                  14   Brochure, Real Good Turkey, Real Family   170</p> <p>                                  Farm - Copy</p>	<p style="text-align: right;">5</p> <p>1                   CYNTHIA BOYES WETZEL,</p> <p>2           after having been first duly sworn under oath,</p> <p>3           was questioned and testified as follows:</p> <p>4                                   EXAMINATION</p> <p>5     BY MR. BLACKMAN:</p> <p>6       Q.   Would you please state your full name for</p> <p>7           the record?</p> <p>8       <b>A.   Cynthia Boyes Wetzel.</b></p> <p>9       Q.   Good morning, Ms. Wetzel. My name is</p> <p>10       Brian Blackman. I introduced myself just before we</p> <p>11       started.</p> <p>12       I represent Diestel Turkey Ranch in the</p> <p>13       action that you filed here in New Mexico.</p> <p>14       We're here to take your deposition in that</p> <p>15       matter today. I've -- it's a question and answer.</p> <p>16       I've got a number of rules I'd like to go over with</p> <p>17       you, but let's start with some preliminary.</p> <p>18       Have you ever gone by any other name than</p> <p>19       Cynthia Wetzel?</p> <p>20       <b>A.   Cynthia Boyes.</b></p> <p>21       Q.   And how do you spell Boyes?</p> <p>22       <b>A.   B-o-y-e-s.</b></p> <p>23       Q.   Any other names?</p> <p>24       <b>A.   No. Cindy.</b></p> <p>25       Q.   The court reporter has placed you under</p>

<p style="text-align: right;">34</p> <p>1       <b>A. Yes.</b></p> <p>2       Q. And can you tell me when you discussed</p> <p>3 being a class representative with them?</p> <p>4       <b>A. Yes. When the newspaper article came out</b></p> <p>5 <b>in the Santa Fe New Mexican.</b></p> <p>6       Q. So that was after the lawsuit was filed?</p> <p>7       <b>A. Yes.</b></p> <p>8       Q. Do you recall if your conversations with</p> <p>9 them were about what it means to be a class</p> <p>10 representative? Or was it just the fact that you</p> <p>11 were going to be serving as a class representative</p> <p>12 in this lawsuit that the news article was covering?</p> <p>13       <b>A. Yeah. I just sent them the news article,</b></p> <p>14 <b>and I made a comment about what it meant. But I</b></p> <p>15 <b>can't remember exactly -- exactly what it was.</b></p> <p>16       Q. I know you said you've never been deposed</p> <p>17 before and that you've never been a party in a</p> <p>18 lawsuit before. But have you ever had to provide</p> <p>19 testimony in a lawsuit before?</p> <p>20       <b>A. No.</b></p> <p>21       Q. You never had to testify in court?</p> <p>22       <b>A. No.</b></p> <p>23       Q. I've already forgotten if I asked you</p> <p>24 this, so I'm going to ask you this again.</p> <p>25       Have you ever been asked to be a class</p>	<p style="text-align: right;">36</p> <p>1       Q. Which friend is that?</p> <p>2       <b>A. Helga.</b></p> <p>3       Q. What's Helga's last name?</p> <p>4       <b>A. Schimkat.</b></p> <p>5       Q. And how did that introduction happen?</p> <p>6       MS. ELSNER: Objection to the extent that</p> <p>7 calls for attorney-client communications. So to the</p> <p>8 extent that it's not an attorney-client</p> <p>9 communication, you can answer.</p> <p>10       <b>A. Are you asking how the introduction</b></p> <p>11 <b>happened? Or --</b></p> <p>12       Q. I'm trying to understand how you met your</p> <p>13 counsel.</p> <p>14       <b>A. Oh. Helga introduced us.</b></p> <p>15       Q. And did you ask Helga to introduce you to</p> <p>16 an attorney?</p> <p>17       <b>A. No.</b></p> <p>18       Q. So how did the subject come up between you</p> <p>19 and Helga?</p> <p>20       <b>A. I believe Helga might have been working on</b></p> <p>21 <b>a case, and she was telling me about it, because we</b></p> <p>22 <b>are writing -- writing friends. So it just came up</b></p> <p>23 <b>in conversation. "Writing friends," meaning we</b></p> <p>24 <b>critique each other's work.</b></p> <p>25       Q. So you said Helga may have been working on</p>
<p style="text-align: right;">35</p> <p>1 representative before?</p> <p>2       <b>A. No.</b></p> <p>3       Q. What is your understanding of what a class</p> <p>4 action is?</p> <p>5       <b>A. It's when a large number of people have</b></p> <p>6 <b>the same complaint against a company, and, instead</b></p> <p>7 <b>of going individually, they come together as a group</b></p> <p>8 <b>to try and remedy the situation.</b></p> <p>9       Q. And that's what you've brought against</p> <p>10 Diestel in this particular action?</p> <p>11       <b>A. Yes.</b></p> <p>12       Q. Are any of your friends class action</p> <p>13 attorneys? And what I mean by that is attorneys who</p> <p>14 handle, either on the defense or the plaintiffs'</p> <p>15 side, class action lawsuits.</p> <p>16       MS. ELSNER: Objection. Foundation.</p> <p>17       <b>A. No.</b></p> <p>18       Q. Who represents you in the present action?</p> <p>19       <b>A. Gretchen.</b></p> <p>20       Q. Gretchen Elsner?</p> <p>21       <b>A. Yes.</b></p> <p>22       Q. And her law firm?</p> <p>23       <b>A. Yes.</b></p> <p>24       Q. Okay. And how did you meet your counsel?</p> <p>25       <b>A. Through my friend.</b></p>	<p style="text-align: right;">37</p> <p>1 a case. Does she work at a law firm?</p> <p>2       <b>A. No.</b></p> <p>3       Q. Do you know if she was serving as a class</p> <p>4 representative in another lawsuit?</p> <p>5       <b>A. No. She's a lawyer.</b></p> <p>6       Q. She's a lawyer. What kind of law does</p> <p>7 Helga do, to your knowledge?</p> <p>8       <b>A. All different kinds.</b></p> <p>9       Q. Does that include class action?</p> <p>10       THE WITNESS: Oh.</p> <p>11       MS. ELSNER: Objection. Foundation.</p> <p>12       Q. (By Mr. Blackman) To your knowledge.</p> <p>13       <b>A. I don't think so.</b></p> <p>14       Q. So I'm trying to understand how -- what</p> <p>15 happened between you and Helga that led to the</p> <p>16 introduction to your current counsel.</p> <p>17       So did you go to Helga and say, "I need a</p> <p>18 class action lawyer"? Or was it something else?</p> <p>19       <b>A. No.</b></p> <p>20       MS. ELSNER: Yeah. And I'll object on the</p> <p>21 basis of attorney-client privilege. So I don't know</p> <p>22 how much you can answer without getting into that.</p> <p>23       MR. BLACKMAN: Which attorney-client</p> <p>24 privilege? I'm not asking what she discussed with</p> <p>25 you. I'm asking what she discussed with Helga.</p>

38

1 Q. (By Mr. Blackman) Are you represented by  
2 Helga Schimkat?

3 A. No.

4 Q. So what did you discuss with Helga  
5 Schimkat that led to your introduction to Elsner?

6 A. We discussed the other case that was  
7 happening, the Direct Action Everywhere, I believe  
8 it's called.

9 Q. Is Helga an attorney on the Direct Action  
10 Everywhere case, to your knowledge?

11 A. I believe she did a little bit of work  
12 with Gretchen.

13 Q. Okay. And is that the action that Direct  
14 Action Everywhere brought against Diestel Turkey  
15 Ranch, to your knowledge?

16 A. I believe so.

17 Q. And what did you and Helga discuss about  
18 the Direct Action Everywhere case?

19 A. She told me -- she showed me the videos.  
20 We talked about -- yeah. We just talked about the  
21 fact that these turkeys were raised in an industrial  
22 agriculture operation, even though they claimed not  
23 to be.

24 Q. Did you discuss anything else with Helga  
25 about the Direct Action Everywhere action?

39

1 A. No.

2 Q. Did Helga show you any documents other  
3 than the videos?

4 A. I believe there was a news article or two.

5 Q. When you say "news article," do you recall  
6 what news agency those articles were from? Like,  
7 were they in the Wall Street Journal, or was it the  
8 Times? Or was it something local?

9 A. I think it was Washington Post and Slate,  
10 which I consider reputable.

11 Q. Sorry. The Washington Post and Slate?  
12 Or --

13 A. Yes.

14 Q. Did she show you anything else?

15 A. No.

16 Q. How many videos did Helga show you?

17 A. I can't recall exactly. It -- it may have  
18 just been one video. It may have been two videos,  
19 I'm not sure. I can't recall.

20 Q. Can you estimate for me how long the video  
21 was? Was it five seconds? Or was it a few minutes  
22 long?

23 A. A few minutes, I'd say. It was a  
24 significant video.

25 Q. Was this a video taken inside of Diestel's

40

1 farms and ranches?

2 A. Yes.

3 Q. This wasn't, like, a YouTube video that  
4 Diestel put out as advertising?

5 A. No.

6 Q. Did Helga tell you who shot the video?

7 A. Yes.

8 Q. And who shot the video?

9 A. Direct Action Everywhere.

10 Q. Did she tell you who at Direct Action  
11 Everywhere took the video?

12 A. No.

13 Q. Did she tell you when the video was taken?

14 A. No.

15 Q. Did she tell you where the video was  
16 taken?

17 A. In the turkey barn at one of Diestel's  
18 properties. But I'm not sure exactly the exact  
19 location. She probably told me, but I don't  
20 remember.

21 Q. Okay. Did you do any independent  
22 investigation to confirm what Helga told you?

23 A. I read the news articles.

24 Q. And those were the articles by the Post  
25 and Slate?

41

1 A. Yes.

2 Q. Did you read any other articles?

3 A. No.

4 Q. When did you have this conversation with  
5 Helga? I'm sorry. Is it Schimkat? Did I write  
6 that down right?

7 A. (Witness indicates.)

8 Q. When did you have this conversation with  
9 Ms. Schimkat?

10 A. I believe it was 2019.

11 Q. Do you remember what time of year,  
12 generally?

13 A. Summer. But I'm guessing. It may have  
14 also been spring. I just remember being outside and  
15 talking to her, and it was nice out.

16 Q. Was that conversation in Santa Fe?

17 A. Yes. On the telephone.

18 Q. Okay. Over the phone?

19 A. On the telephone, followed up by e-mails.  
20 That's how I got the links to the article and the  
21 video.

22 Q. Did you e-mail -- sorry. Strike that.

23 So you exchanged a number of e-mails with  
24 Helga about the Direct Action Everywhere action?

25 A. Not a number of them. Just one.

<p style="text-align: right;">42</p> <p>1 Q. Do you still have that e-mail?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. Have you turned it over to your counsel</p> <p>4 for production in this action?</p> <p>5 <b>A. Yes.</b></p> <p>6 MR. BLACKMAN: Gretchen, do you have that</p> <p>7 e-mail?</p> <p>8 MS. ELSNER: We can talk after the depo.</p> <p>9 But go ahead and ask Ms. Wetzel questions.</p> <p>10 MR. BLACKMAN: All right. Well --</p> <p>11 Q. (By Mr. Blackman) So other than this</p> <p>12 telephone conversation and the one e-mail, did you</p> <p>13 have any other conversations with Ms. Schimkat about</p> <p>14 the Direct Action Everywhere case?</p> <p>15 <b>A. No.</b></p> <p>16 Q. Did you have any other conversations with</p> <p>17 Ms. Schimkat about your -- your action against</p> <p>18 Diestel Turkey Ranch?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. How many conversations?</p> <p>21 <b>A. I don't know.</b></p> <p>22 Q. Was it more than ten?</p> <p>23 <b>A. No.</b></p> <p>24 Q. Do you recall if these were over the</p> <p>25 phone? Were they in person? By e-mail? How were</p>	<p style="text-align: right;">44</p> <p>1 MS. ELSNER: Objection. Foundation.</p> <p>2 Q. Did you feel a reaction to -- after you</p> <p>3 read her e-mail, watched the videos, and read the</p> <p>4 news articles, did you have a reaction to it?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. And what was your reaction?</p> <p>7 <b>A. I was kind of horrified. And I wrote her</b></p> <p>8 <b>an e-mail back.</b></p> <p>9 Q. What did you say in your e-mail to her?</p> <p>10 MS. ELSNER: Objection. Attorney-client</p> <p>11 privilege.</p> <p>12 MR. BLACKMAN: She's already testified</p> <p>13 that she's not represented by Ms. Schimkat.</p> <p>14 Q. (By Mr. Blackman) So you can go ahead and</p> <p>15 answer the question.</p> <p>16 MS. ELSNER: Not to the content of the</p> <p>17 communication.</p> <p>18 MR. BLACKMAN: Are you instructing her not</p> <p>19 to answer?</p> <p>20 MS. ELSNER: Yes, for attorney-client</p> <p>21 privilege reasons.</p> <p>22 Q. (By Mr. Blackman) Did the e-mail that</p> <p>23 Ms. Schimkat sent you with the videos and law</p> <p>24 articles attached -- was that one e-mail?</p> <p>25 <b>A. Law articles?</b></p>
<p style="text-align: right;">43</p> <p>1 you conversing with her?</p> <p>2 <b>A. Over the phone or in person.</b></p> <p>3 Q. Do you recall meeting with Ms. Schimkat in</p> <p>4 person to discuss your action against Diestel Turkey</p> <p>5 Ranch?</p> <p>6 <b>A. I did not meet with her to discuss it</b></p> <p>7 <b>specifically. But it came up in conversation when</b></p> <p>8 <b>we were talking about other things.</b></p> <p>9 Q. When was that conversation?</p> <p>10 <b>A. I can't remember exactly. I see her a</b></p> <p>11 <b>lot. She's my friend.</b></p> <p>12 Q. What did you discuss about the current</p> <p>13 action?</p> <p>14 <b>A. I can't recall exactly. Nothing specific.</b></p> <p>15 Q. The video -- videos that Ms. Schimkat</p> <p>16 showed you, if the conversation was over the phone,</p> <p>17 how did she show you those videos?</p> <p>18 <b>A. That's why I clarified that it was</b></p> <p>19 <b>followed up by an e-mail, because she sent me an</b></p> <p>20 <b>e-mail after -- after we talked on the phone.</b></p> <p>21 Q. And the e-mail included both the videos</p> <p>22 and the news articles?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. And it's -- what was your reaction to her</p> <p>25 e-mail and attachments?</p>	<p style="text-align: right;">45</p> <p>1 Q. Sorry. Not law articles. The Washington</p> <p>2 Post and Slate articles, was that one e-mail?</p> <p>3 <b>A. Yes.</b></p> <p>4 MS. ELSNER: Objection. Mischaracterizes</p> <p>5 the testimony.</p> <p>6 Q. It was one e-mail.</p> <p>7 <b>A. She sent me one e-mail.</b></p> <p>8 Q. In the e-mail -- I'm just trying to get</p> <p>9 the e-mail had both the video and the newspaper</p> <p>10 articles attached to it.</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. And is it what you learned in that e-mail</p> <p>13 and its attachments that led to you bringing this</p> <p>14 action against Diestel Turkey Ranch?</p> <p>15 <b>A. No. It's the conversation I had with her</b></p> <p>16 <b>before that that led to me doing this.</b></p> <p>17 Q. So that e-mail didn't have any impact on</p> <p>18 your decision to bring this action.</p> <p>19 <b>A. It backed up what I already believed, what</b></p> <p>20 <b>we talked about earlier.</b></p> <p>21 Q. So is it fair, then, to say that it was</p> <p>22 both the conversation with Ms. Schimkat and the</p> <p>23 e-mail and its attachments that led to you wanting</p> <p>24 to bring this action against Diestel Turkey Ranch?</p> <p>25 <b>A. Yes.</b></p>

<p style="text-align: right;">46</p> <p>1 Q. And that was in 2019 sometime?</p> <p>2 A. Yes.</p> <p>3 Q. So after you received the e-mail and had</p> <p>4 the conversation with Ms. Schimkat, what happened</p> <p>5 next?</p> <p>6 A. She then introduced me to Gretchen.</p> <p>7 Q. And was that also in roughly spring-summer</p> <p>8 of 2019?</p> <p>9 A. Yes, I believe so.</p> <p>10 Q. Could have been fall?</p> <p>11 A. It could have been fall, yeah. It's 2019</p> <p>12 sometime.</p> <p>13 Q. Okay. Fair enough.</p> <p>14 Did you have any conversations other than</p> <p>15 with Ms. Schimkat and Ms. Elsner about bringing the</p> <p>16 lawsuit against Diestel Turkey Ranch before you</p> <p>17 filed the action?</p> <p>18 A. My parents, maybe. I'm not -- I probably</p> <p>19 told my mom, but I can't remember exactly.</p> <p>20 Q. Okay. Did you talk to anyone else about</p> <p>21 what Ms. Schimkat had told you about Diestel Turkey</p> <p>22 Ranch?</p> <p>23 A. Yes.</p> <p>24 Q. Who else did you talk to?</p> <p>25 A. My friend, Roey.</p>	<p style="text-align: right;">48</p> <p>1 lawsuit?</p> <p>2 A. No.</p> <p>3 Q. Do you understand that there are certain</p> <p>4 duties and responsibilities that come with being a</p> <p>5 class representative in a class action?</p> <p>6 A. Yes.</p> <p>7 Q. What is your understanding of those duties</p> <p>8 and responsibilities?</p> <p>9 A. My understanding is that I represent the</p> <p>10 class, and that I should attend all activities such</p> <p>11 as this, that I stay in touch with my lawyer, that I</p> <p>12 have interest in the case, and that I am in charge</p> <p>13 of any negotiating or any more agreements. I'm not</p> <p>14 sure how to word it.</p> <p>15 Q. Like, settlement? Is that what you're</p> <p>16 talking about?</p> <p>17 A. Yeah. Yes, I guess. No, I'm not sure. I</p> <p>18 don't know what I'm talking about.</p> <p>19 Q. In charge of negotiations. The case can't</p> <p>20 be resolved without your involvement?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay.</p> <p>23 A. I'm the main point of contact for all</p> <p>24 these people that have the same complaint.</p> <p>25 Q. And do you know who those people are?</p>
<p style="text-align: right;">47</p> <p>1 Q. And who is Roey -- sorry. Can you tell me</p> <p>2 her last name? Or is Roey her last name?</p> <p>3 A. No. Roey is her first name. It's short</p> <p>4 for Rosemarie. Valim is her last name. V-a-l-i-m.</p> <p>5 I think that's how you spell it, but I'm not</p> <p>6 100 percent on that. It may be V-a-d-i-m.</p> <p>7 Q. Did you talk to anyone else before filing</p> <p>8 the lawsuit?</p> <p>9 A. My -- I'm sure I told my husband.</p> <p>10 Q. Did you talk to anyone else?</p> <p>11 A. No.</p> <p>12 Q. Your conversation with Rosemarie Valim,</p> <p>13 what did you discuss?</p> <p>14 A. I discussed -- I can't recall exactly.</p> <p>15 But I'm sure I just told her the general idea of the</p> <p>16 fact that these very fancy, expensive turkeys were</p> <p>17 not really what they proclaimed to be.</p> <p>18 Q. Okay. So you were telling Ms. Valim about</p> <p>19 Diestel Turkey Ranch. You weren't asking Ms. Valim</p> <p>20 for information about Diestel Turkey Ranch?</p> <p>21 A. Correct.</p> <p>22 Q. Other than Ms. Schimkat or Ms. Elsner, did</p> <p>23 you have any conversations with anyone where you</p> <p>24 were eliciting information about Diestel Turkey</p> <p>25 Ranch to help you with your decision to bring this</p>	<p style="text-align: right;">49</p> <p>1 A. I do not.</p> <p>2 Q. So you -- one of the duties, you said, was</p> <p>3 to represent the class. Is it your understanding</p> <p>4 that your experiences would have to be</p> <p>5 representative? The same or generally the same as</p> <p>6 the other members of your proposed class? Is that</p> <p>7 your understanding?</p> <p>8 A. Yes.</p> <p>9 Q. Do you believe that you could represent a</p> <p>10 class of consumers who purchased Diestel turkey</p> <p>11 products?</p> <p>12 A. Yes.</p> <p>13 Q. And why do you believe that?</p> <p>14 A. Because I purchased a Diestel turkey</p> <p>15 product.</p> <p>16 Q. And do you believe that your experience in</p> <p>17 purchasing the Diestel turkey products is</p> <p>18 representative of the class you propose in this</p> <p>19 action?</p> <p>20 A. Yes -- I.</p> <p>21 MS. ELSNER: Same objection. Calls for a</p> <p>22 legal conclusion. But answer to your understanding.</p> <p>23 A. I believe that -- I believe that I looked</p> <p>24 at the turkey, believed something, and then paid a</p> <p>25 certain price based on my belief of that, and that</p>



<p style="text-align: right;">182</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE DISTRICT OF NEW MEXICO</p> <p>3</p> <p>4 CYNTHIA WETZEL, on behalf of</p> <p>5 herself and all other New Mexico</p> <p>6 consumers similarly situated,</p> <p>7 Plaintiff,</p> <p>8 vs. NO: 20-CV-01213-JB-KRS</p> <p>9 DIESTEL TURKEY RANCH,</p> <p>10 Defendant.</p> <p>11 CERTIFICATE OF COMPLETION OF DEPOSITION</p> <p>12 I, CYNTHIA C. CHAPMAN, New Mexico CCR #219, DO</p> <p>13 HEREBY CERTIFY that on September 13, 2022, the</p> <p>14 deposition of CYNTHIA BOYES WETZEL was taken before</p> <p>15 me at the request of, and sealed original thereof</p> <p>16 retained by:</p> <p>17 BRIAN R. BLACKMAN, ESQ.</p> <p>18 BLAXTER BLACKMAN LLP</p> <p>19 601 Montgomery Street, Suite 1100</p> <p>20 San Francisco, California 94111</p> <p>21 I FURTHER CERTIFY that copies of this</p> <p>22 certificate have been mailed or delivered to all</p> <p>23 counsel, and parties to the proceedings not</p> <p>24 represented by counsel, appearing at the taking of</p> <p>25 the deposition.</p> <p>I FURTHER CERTIFY that examination of this</p> <p>transcript and signature of the witness were</p> <p>requested by the witness and all parties present.</p> <p>On _____, a letter was mailed or</p> <p>delivered to GRETCHEN ELSNER, ESQ. regarding</p> <p>obtaining signature of the witness.</p> <p>I FURTHER CERTIFY that the recoverable cost of</p> <p>the original and one copy of the deposition,</p> <p>including exhibits, to BRIAN R. BLACKMAN, ESQ. is</p> <p>\$_____.</p>	<p style="text-align: right;">184</p> <p>1 WETZEL v. DIESTEL TURKEY RANCH</p> <p>2 WITNESS SIGNATURE/CORRECTION PAGE</p> <p>3 If there are any typographical errors to</p> <p>your deposition, indicate them below:</p> <p>4</p> <p>5 PAGE LINE</p> <p>6 _____ Change to _____</p> <p>7 _____ Change to _____</p> <p>8 _____ Change to _____</p> <p>9 _____ Change to _____</p> <p>10 Any other changes to your deposition are to be</p> <p>11 listed below with a statement as to the reason for</p> <p>12 such change.</p> <p>13 PAGE LINE CORRECTION REASON FOR CHANGE</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 I, CYNTHIA BOYES WETZEL, do hereby certify that</p> <p>19 I have read the foregoing pages of my testimony as</p> <p>20 transcribed and that the same is a true and correct</p> <p>21 transcript of the testimony given by me in this</p> <p>22 deposition on September 13, 2022, except for the</p> <p>23 changes made.</p> <p>24 _____</p> <p>25 CYNTHIA BOYES WETZEL</p> <p>Job No.: 7131N (CC)</p> <p>Date Taken: September 13, 2022</p> <p>Proofed by: PD</p>
<p style="text-align: right;">183</p> <p>1 I FURTHER CERTIFY that I did administer the</p> <p>2 oath to the witness herein prior to the taking of</p> <p>3 this deposition; that I did thereafter report in</p> <p>4 stenographic shorthand the questions and answers set</p> <p>5 forth herein, and the foregoing is a true and</p> <p>6 correct transcript of the proceeding had upon the</p> <p>7 taking of this deposition to the best of my ability.</p> <p>8 I FURTHER CERTIFY that I am neither employed by</p> <p>9 nor related to nor contracted with (unless excepted</p> <p>10 by the rules) any of the parties or attorneys in</p> <p>11 this case, and that I have no interest whatsoever in</p> <p>12 the final disposition of this case in any court.</p> <p>13</p> <p>14 _____</p> <p>15 Cynthia C. Chapman, RMR-CRR</p> <p>16 BEAN &amp; ASSOCIATES, INC.</p> <p>17 New Mexico Certified Court Reporter #219</p> <p>18 License Expires: 12/31/2022</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Job No: 7131N (CC)</p> <p>Date Taken: September 13, 2022</p>	<p>1 DATE DELIVERED: _____</p> <p>2 GRETCHEN ELSNER, ESQ.</p> <p>3 ELSNER LAW &amp; POLICY, LLC</p> <p>4 314 South Guadalupe Street</p> <p>5 Santa Fe, New Mexico 87501</p> <p>6 RE: WETZEL v. DIESTEL TURKEY RANCH</p> <p>7 DEPOSITION OF: CYNTHIA BOYES WETZEL</p> <p>8 DATE TAKEN: September 13, 2022</p> <p>9 Dear Ms. Elsner:</p> <p>10 At the time of the above deposition/sworn statement,</p> <p>11 it was requested that the witness read and sign</p> <p>12 his/her transcript.</p> <p>13 Enclosed is your copy of the transcript with the</p> <p>14 original signature page. Please ask the witness</p> <p>15 to read the transcript, make any corrections on</p> <p>16 the signature page, and return the original</p> <p>17 signature page to our Albuquerque office.</p> <p>18 Enclosed is your copy of the transcript. Please</p> <p>19 read it, note any corrections on the signature</p> <p>20 page, and return the original signature page to</p> <p>21 our Albuquerque office. You may keep the</p> <p>22 transcript for your files.</p> <p>23 The transcript is now ready to review. Please</p> <p>24 contact our Albuquerque office, 505-843-9494, to</p> <p>25 make arrangements to have the transcript read</p> <p>and signed. If you are outside the Albuquerque</p> <p>area, please call 800-669-9492.</p> <p>The transcript is now ready for review. Please</p> <p>remit payment in the amount of \$_____ to our</p> <p>Albuquerque office. As soon as payment is</p> <p>received, your transcript will be delivered. If</p> <p>you choose not to pay, please contact our</p> <p>Albuquerque office, 505-843-9494, to make</p> <p>arrangements for signature.</p> <p>Trial in this matter is set for _____. If</p> <p>the transcript has not been read and signed</p> <p>before that date, the original will be filed</p> <p>without a signature.</p>



1

2

3 \_\_\_\_\_ Other: The transcript of this deposition is  
 4 attached to the email. Please also find  
 5 attached the signature-correction page for  
 6 your convenience.

5

6 The New Mexico Rules of Civil Procedure provide the  
 7 witness 30 days in most instances from the receipt of  
 8 this letter to read and sign his/her transcript. If  
 9 he/she has not read and signed the transcript in that  
 10 time, we will file the original transcript without  
 11 the signature page.

8

9

10

Sincerely,  
 BEAN & ASSOCIATES, INC.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

JOB NO.: 7131N (CC)

1

# RECEIPT

2

JOB NUMBER: 7131N (CC) September 13, 2022

3

WITNESS NAME: CYNTHIA BOYES WETZEL

4

CASE CAPTION: WETZEL v. DIESTEL TURKEY RANCH

5

\*\*\*\*\*

6

ATTORNEY: BRIAN R. BLACKMAN, ESQ.

7

DOCUMENT: Transcript / Exhibits / Disks / Other \_\_\_\_\_

8

DATE DELIVERED: \_\_\_\_\_ DEL'D BY: \_\_\_\_\_

9

REC'D BY: \_\_\_\_\_ TIME: \_\_\_\_\_

10

\*\*\*\*\*

11

ATTORNEY: GRETCHEN ELSNER, ESQ.

12

DOCUMENT: Transcript / Exhibits / Disks / Other \_\_\_\_\_

13

DATE DELIVERED: \_\_\_\_\_ DEL'D BY: \_\_\_\_\_

14

REC'D BY: \_\_\_\_\_ TIME: \_\_\_\_\_

15

\*\*\*\*\*

16

ATTORNEY:

17

DOCUMENT: Transcript / Exhibits / Disks / Other \_\_\_\_\_

18

DATE DELIVERED: \_\_\_\_\_ DEL'D BY: \_\_\_\_\_

19

REC'D BY: \_\_\_\_\_ TIME: \_\_\_\_\_

20

\*\*\*\*\*

21

ATTORNEY:

22

DOCUMENT: Transcript / Exhibits / Disks / Other \_\_\_\_\_

23

DATE DELIVERED: \_\_\_\_\_ DEL'D BY: \_\_\_\_\_

24

REC'D BY: \_\_\_\_\_ TIME: \_\_\_\_\_

25